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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,257	04/01/2004	Pawel S. Veselov	SUNMP365	1784
32291 7590 04/19/2007 MARTINE PENILLA & GENCARELLA, LLP 710 LAKEWAY DRIVE SUITE 200 SUNNYVALE, CA 94085			EXAMINER HILLERY, NATHAN	
			ART UNIT 2176	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/19/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/817,257	VESELOV, PAWEL S.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Nathan Hillery	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,5,6,8,9 and 22-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5,6,8,9 and 22-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is responsive to communications: RCE filed on 1/25/07.
2. Claims 1, 5, 6, 8, 9, and 22 – 24 are currently pending. Claims 1 and 22 are independent claims.

#### ***Continued Examination Under 37 CFR 1.114***

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/25/07 has been entered.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 9, 22 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al. ("Lee"), U.S. Patent Application Publication No. 2004/0002952.

**Regarding independent claim 1**, Lee teaches that an XML document is received from an XML application (paragraph block 0036) and that the present invention makes use of resources of an embedded device (e.g., a PDA, a portable phone, a hand-held device or the like) (paragraph block 0041), which meet the limitation of **downloading an XML document into a wireless device, the wireless device having a central processing unit (CPU), memory, and an I/O interface;**

Lee teaches that the XML validator applies the XML document to the received schema/DTD to verify the validity of the XML document. In other words, the XML validator analyses a protocol, for configuring an XML document, defined in the schema/DTD and generates a schema/DTD grammar structure. Next, the XML validator applies the XML document to the schema/DTD grammar structure to validate errors in the XML document (paragraph block 0033), which meet the limitation of **accessing a compiled document type definition (DTD) stored in the memory of the device, the compiled DTD, being executable program code and specifies valid information and arrangement of information in the XML document; and verifying the XML document by running the compiled DTD on the CPU, the verifying comprising generating one of a verified XML output or an error.**

**Regarding claim 9**, Lee teaches that if the XML validator receives an answer that the XML document is not valid, the XML validator transmits an error message (paragraph block 0033), which meet the limitation of **generating one of an error, a verified XML document, and the verified XML document with an inserted attribute.**

**Regarding claims 22 and 24**, the claims incorporate substantially similar subject matter as claims 1 and 9 and are rejected along the same rationale.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5, 6, 8 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. ("Lee"), 2004/0002952 as applied to claims 1 and 22 above, and in further view of Tuatini, 2001/0054172.

**Regarding claim 5**, Lee does not explicitly teach **parsing a DTD document to generate source code; compiling the source code to generate the compiled DTD**.

However, Tuatini teaches a compiler including a parser and a code generator (see Abstract). The parser inputs the XML DTD and generates a syntax parse tree representation of the DTD (see paras [0010-0012]).

Since both references are from the same field of endeavor, the motivational purpose of reducing the cost of developing and maintaining validation applications as disclosed by Tuatini would have been recognized in the pertinent art of Lee. It would

have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Lee with the teachings of Tuatini.

**Regarding claim 6**, Lee, in view of Tuatini, further teaches **compiling the source code with a verifier interface to generate the compiled DTD** (see Tuatini - paras [0010-0012]).

**Regarding claim 8**, Lee teaches that the XML validator applies the XML document to the schema/DTD grammar structure to validate errors in the XML document (paragraph block 0033), which meet the limitation of **executing a verification algorithm against a structure**.

Lee does not explicitly teach **the verification algorithm being capable of distinguishing an order of elements in a DTD document**.

However, Tuatini teaches a DTD that defines an “order query” that is capable of distinguishing an order to elements in a DTD document (see paras [0013-0016]).

Since both references are from the same field of endeavor, the motivational purpose of reducing the cost of developing and maintaining validation applications as disclosed by Tuatini would have been recognized in the pertinent art of Lee. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Lee with the teachings of Tuatini.

### ***Response to Arguments***

Art Unit: 2176

8. Applicant's arguments filed 1/25/07 have been fully considered but they are not persuasive.

9. Applicant argues that there is no suggestion of using a compiled DTD in a wireless or handheld device because the compiled DTD as claimed does not read on the XML validator of Lee (pp 5 and 6).

The Office disagrees.

First, the Office does not fully understand applicant's arguments and how the applicant derived that the Office was attempting to use the XML validator of Lee to meet the claimed compiled DTD.

However, in an effort to expedite examination, it should be noted that the XML validator of Lee is NOT used to reject the claimed compiled DTD. Lee teaches that the XML validator analyses a protocol, for configuring an XML document, defined in the schema/DTD and generates a schema/DTD grammar structure (paragraph block 0033). The Office contends that the generated DTD grammar structure meets the claimed compiled DTD, making the XML validator simply a compiler that compiles the DTD.

Further, Lee teaches that the present invention makes use of resources of an embedded device (e.g., a PDA, a portable phone, a hand-held device or the like) (paragraph block 0041). The embedded device taught by Lee meets the claimed wireless or handheld device.

### ***Conclusion***

Art Unit: 2176

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Hillery whose telephone number is (571) 272-4091. The examiner can normally be reached on M - F, 10:30 a.m. - 7:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NH



**Doug Hutton**  
**Primary Examiner**  
**Technology Center 2100**